REMARKS

Entry of this Amendment, and reconsideration and withdrawal of all grounds of rejection in the Final Office Action are respectfully requested. Applicants have amended base claims 1 and 21 with the subject matter of claims 3 and 23, and added additional subject matter regarding the requesting of retransmission of missing/corrupted data over the forward channel and retransmission of the missing corrupted data over the return channel. Support for this amendment can be found in the specification at least at page 10, lines 4-11. Claims 4, 25, 27 and 29 have been amended so as not to depend from a canceled claim. Claim 31 has been amended to incorporate the newly claimed feature regarding retransmission of missing/corrupted data.

Summary of the Rejections:

(1)   Claims 1-31 stand rejected under 35 U.S.C.§103(a) as allegedly being obvious over Metz et al. (U.S. 5,978,855 hereafter "Metz") in view of Hall et al. (U.S. 6,356,543 B2 hereafter "Hall").

Applicants' Traversal:

All grounds of rejection under 35 U.S.C.§103(a) have been overcome by the amendments to base claims 1, 21 and 31. The combination of Metz and Hall clearly fails to disclose, suggest, render obvious, or motivate an artisan regarding the retransmission of missing/corrupted software application data over the communication channels rather than being re-broadcast by the broadcast system/network control system.

For example, claim 1 now recites, *inter alia*, that:

the two-way communications link is adapted to retransmit predetermined portions of lost/corrupted software application data that has been broadcast by said broadcast system, with a request for retransmission of missing/corrupted data is transmitted over the forward channel and retransmission of the missing/corrupted data is transmitted over the return channel.

This feature allows the portable clients to be able to continue to receive a broadcast software application via the broadcast system while requesting a retransmission of missing/corrupted data at the same time over the two-way communications link. The two-way communications link can be used to resend the missing/corrupted data. This feature is patentable over any combination of the prior art because it will reduce the number of retries made by the broadcast system because a particular client did not receive all the software application data, in the case where the system is broadcasting the same software application to several users.

Thus, the broadcast system is not tied up by having to either stop a current broadcast, or delay a subsequent broadcast by rebroadcasting a request for a portion of the software application data that was missing/corrupt. The combination of Metz and Hall clearly fails to disclose, suggest, or motivate an artisan such that the changes to claims 1, 21 and 31 would have been obvious to an artisan.

Applicants respectfully submit that all the remaining dependent claims are allowable at least because of their dependency from one of claims 1 or 21, as well as for having an independent basis for patentability.
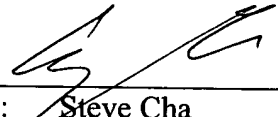
For all the foregoing reasons, it is respectfully submitted that all the present claims

are patentable in view of the cited references. A Notice of Allowance is respectfully

requested.

Respectfully submitted,

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Rene LEERMAKERS

SERIAL NO.:   09/430,536   EXAMINER: Chuong T. Ho

FILED: October 29, 1999   ART UNIT: 2664

FOR: SYSTEM FOR BROADCASTING SOFTWARE
                APPLICATIONS AND PORTABLE DATA
                COMMUNICATIONS

<u>VERSION WITH MARKINGS SHOWING CHANGES MADE</u>

Assistant Commissioner for Patents
Box AF
Washington, DC 20231

Dear Sir:

In response to the Final Office Action mailed November 20, 2002, please update

the above-identified application as follows:

IN THE CLAIMS:

Please cancel claims 3 and 23 without prejudice or disclaimer:

Please amend the claims as follows:

1. (Twice Amended) A communications system, comprising:

a server system that stores software applications;

a broadcast system that broadcasts the software applications; and

a multiplicity of portable clients that each include a receiver having a tuner that is

selectively tunable to receive a selected one of the software applications broadcasted by

the broadcast system;

wherein the server system includes a processor for enabling users to access a

menu of the software applications for selection [, and enabling billing users a fee for

receiving a selected one of the software applications] ; and further comprising:

a two-way communications link between the server system and each of the

multiplicity of multiple clients, wherein the two-way communications link includes a

forward channel over which the respective portable client can transmit client data to the

server system, and a return channel over which the server system can transmit data to the

respective portable client;

wherein said two-way communications link is adapted to retransmit

predetermined portions of lost/corrupted software application data that has been

broadcast by said broadcast system, with a request for retransmission of

missing/corrupted data is transmitted over the forward channel and retransmission of the

missing/corrupted data is transmitted over the return channel.

4. (Amended) The communications system as set forth in Claim [3] 1, wherein

each of the portable clients further includes a modem for establishing the two-way

communication link.

21. (Amended) A portable data communications device, comprising

a receiver that includes a tuner that is selectively tunable to receive a

selected one of a plurality of software applications broadcasted by a broadcast system ;

a user-interface that enables a user to select one of the broadcasted

software applications from a menu for downloading;

a processor for executing the downloaded software application [and

receiving an associated billing charge for receiving the selected one of the software

applications] ; and

a modem for establishing a two-way communications link with a network

control system, wherein the two-way communications link includes a forward channel

over which the portable data communications device can transmit client data to the

network control system, and a return channel over which the network control system can

transmit data to the portable communications device;

wherein said two-way communications link is adapted to retransmit

predetermined portions of lost/corrupted software application data that has been

broadcast by said network control system, with a request for retransmission of

missing/corrupted data is transmitted over the forward channel and retransmission of the

missing/corrupted data is transmitted over the return channel.

25. (Amended) The portable data communications device set forth in Claim [23]

21, wherein the modem is a wireless modem.

27. (Amended) The portable communications device as set forth in Claim [23] 21,

wherein the system data includes instructions for supervising the downloading of

software applications.

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29. (Amended) The portable data communications device as set forth in Claim [23] 21, wherein the client data includes client software request data, and the system data includes download control data issued in response to the client software downloads request data.

31. (Amended) A method of doing business comprising:

storing software applications on a server system;

broadcasting the software applications to a multiplicity of portable clients that each include a receiver having as tuner that is selectively tunable to receive a selected one of the software applications broadcasted by the broadcast system; and

charging a user of the portable clients a fee for receiving a selected one of the software applications, wherein the fee is selected from the group consisting of time-of-usage basis, a subscription basis, a per applications downloaded basis or a per transaction basis; and

wherein the server system receives a request for broadcasting the software applications by the portable clients over communication channels separate from the broadcast system; and

wherein requests for retransmission of missing/corrupted software application data is made by at least of the portable clients over the communication channels separate from the broadcast system, and a retransmission of the missing/corrupted software application data is made over the communication channels separate from the broadcast system.